

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Martin S. Gottesfeld, pro se,  
Plaintiff  
- against -  
Hugh J. Hurwitz, et al.,  
Defendants

Case No.: 18-cv-10836-PGG-GWG

CLAIM FOR MANDATORY JUDICIAL NOTICE (FED. R. EVID. 201(c)(2))

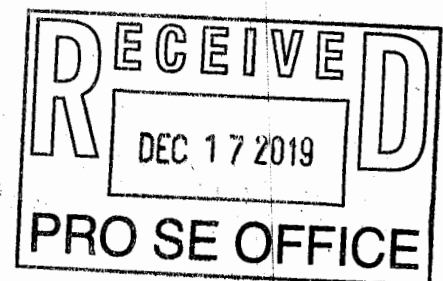
Plaintiff and claimant Martin S. Gottesfeld (herein "claimant"), acting pro se, hereby moves pursuant to Fed. R. Evid. 201(c)(2) for The Honorable Court to take mandatory judicial notice of herewith-provided Exhibit 1 hereto, Declaration of Martin S. Gottesfeld (Monday, December 9th, 2019), and Exhibit 2, <sup>hereto</sup> "The Sixteen Commandments."

The claimant notes that the herewith-provided exhibits are relevant to his pending motions seeking to protect his right to publish and that they demonstrate he has no alternative options to exercise his Constitutional rights in the face of the unlawful interference of the instant defendants and their parties in privacy.


The claimant further notes the public's interest in the events inside the FCI Terre Haute CMU, and that the public has no alternative way to stay informed besides reports from the claimant and similarly-situated individuals.

There can be no valid governmental interest in preventing the claimant's reporting and the public's learning of the facts. Conversely, the obvious reason for the obstruction perpetrated by the instant defendants and their parties in privacy is to avoid Congressional and public oversight, an illegitimate interest--at best.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DEC 17 2019  
12/17/19



Filed, respectfully, on Monday, December 8th, 2019, pursuant to the  
prison-mailbox rule of Houston v. Lack, 487 U.S. 266 (1988), in an envelope  
bearing sufficient affixed pre-paid first-class U.S. postage and United States  
Postal Service tracking number 9114 9023 0722 4291 7452 93, handed <sup>at the next opportunity</sup> to Ms. J.  
Wheeler of the FCI Terre Haute CMU unit team in her official capacity as an  
agent of the instant defendants for mailing to The Court,

by:   
Martin S. Gottesfeld, pro se  
Reg. No.: 12982-104  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808

CERTIFICATE OF SERVICE

I, Martin S. Gottesfeld, pro se, hereby certify that on Monday, December  
8th, 2019, I served the foregoing document upon counsel for the defendants in  
the above-captioned case by handing said document in an unsealed envelope  
bearing sufficient affixed pre-paid first-class U.S. postage to Ms. J. Wheeler  
of the FCI Terre Haute CMU unit team, acting in her official capacity as an  
agent of the defendants in the above-captioned case, at the next opportunity,

by:   
Martin S. Gottesfeld, pro se



Exhibit 2

# The Sixteen Commandments

1. It is the avowed duty and holy responsibility of each generation to assure and secure for all time the existence of the White Race upon the face of this planet.
2. Be fruitful and multiply. Do your part in helping to populate the world with your own kind. It is our sacred goal to populate the lands of this earth with White people exclusively.
3. Remember that the inferior colored races are our deadly enemies, and the most dangerous of all is the Jewish race. It is our immediate objective to relentlessly expand the White Race, and keep shrinking our enemies.
4. The guiding principle of all your actions shall be: What is best for the White Race?
5. You shall keep your race pure. Pollution of the White Race is a heinous crime against Nature and against your own race.
6. Your first loyalty belongs to the White Race.
7. Show preferential treatment in business dealings with members of your own race. Phase out all dealings with Jews as soon as possible. Do not employ niggers or other coloreds. Have social contacts only with members of your own racial family.
8. Destroy and banish all Jewish thought and influence from society. Work hard to bring about a White world as soon as possible.
9. Work and creativity are our genius. We regard work as a noble pursuit and our willingness to work a blessing to our race.
10. Decide in early youth that during your lifetime you will make at least one major lasting contribution to the White Race.
11. Uphold the honor of your race at all times.
12. It is our duty and our privilege to further Nature's plan by striving towards the advancement and improvement of our future generations.
13. You shall honor, protect and venerate the sanctity of the family unit, and hold it sacred. It is the present link in the long golden chain of our White Race.
14. Throughout your life you shall faithfully uphold our pivotal creed of Blood, Soil and Honor. Practice it diligently, for it is the heart of our faith.
15. As a proud member of the White Race, think and act positively. Be courageous, confident and aggressive. Utilize constructively your creative ability.
16. We, the Racial Comrades of the White Race, are determined to regain complete and unconditional control of our own destiny.



Declaration of Martin S. Gottesfeld:

I, Martin S. Gottesfeld, hereby affirm that the following is true and accurate to the best of my knowledge, information, and belief on this 9th day of December, 2019, and I declare under penalty of perjury under the laws of The United States pursuant to 28 U.S.C. § 1746(1) that the following is true and correct:

1. My name is Martin S. Gottesfeld and I am the sole plaintiff in the case of Gottesfeld v. Hurwitz, et al., 18-cv-10836-PGG-GWG (hereafter "the case"), that is currently pending before The Honorable United States District Court for The Southern District of New York (hereafter "The Court").

2. The document herewith exhibited as Exhibit 2 to this filing, i.e. "The Sixteen Commandments," was found still in the copy machine inside the communications-management unit (CMU) at the Federal Correctional Institution (FCI) Terre Haute, Indiana, in or around last week.

3. African-American and Jewish inmate Mario Bernadel thereafter tried to mail a copy of Exhibit 2 to friends and family on the outside, pursuant to his rights under The First Amendment to Free Speech and to petition the government for the redress of grievances.

4. Federal Bureau of Prisons (FBOP) non-attorney--spokesperson Katherine Siereveld would not allow Mario Bernadel to send out a copy of Exhibit 2, and Mr. Bernadel would risk horrific retaliation if he were to try again.

5. No federal law, federal regulation, or FBOP policy of which I am aware and to which I have access prohibits myself or Mr. Bernadel from mailing out Exhibit 2 in the Free-Speech context of petitioning the government for the redress of grievances.

6. Therefore, Ms. Siereveld is not enforcing any valid law, rule, or regulation in refusing to allow Mr. Bernadel to report to the outside the conditions of his confinement here in the FCI Terre Haute CMU.

7. Ms. Siereveld explained no valid governmental interest in stopping Mr. Bernadel from reporting Exhibit 2 outside the prison walls and none exists.

8. Ms. Siereveld is thus attempting illegitimately to cover-up the existence of Exhibit 2 inside the FCI Terre Haute CMU, just as she covered-up the ISIS-inspired murder by near-beheading of inmate Robert David Neal in this unit last year.

9. Ms. Siereveld has blocked my mail to the Office of the Inspector General for The United States Justice Department based upon its content by citing an unconstitutional and rescinded former FBOP rule known as "the byline restriction," which was struck down by a United States District Court (please see McGowan v. United States, 825 F.3d 118, 122 (2d Cir. 2016)).

10. The "Request to Staff" button inside of TRULINCS (the inmate computer system) that normally allows inmates to send confidential reports of sexual abuse and other staff misconduct to the DOJ Inspector General is disabled inside the FCI Terre Haute CMU.

11. Inmates in the FCI Terre Haute CMU have no access whatsoever to confidential PREA-reporting hotlines.

12. This lack of confidential access for inmates inside the FCI Terre Haute CMU to the Office of the Justice Department Inspector General and to PREA-reporting hotlines is the intentional and unlawful design of Ms. Siereveld.

Siereveld acting in privity with the defendants and prospective defendants in the case to cover-up the unlawful conduct of their fellow parties in privity here at FCI Terre Haute, all in violation of 28 C.F.R. § 115.51(b).

13. This design<sup>for</sup> Ms. Siereveld and her parties in privity leaves prisoners including myself and Mr. Bernadel with no alternative options to exercise our Constitutional rights and constitutes a total prior restraint.

14. Should a yet-unforeseen avenue open up for prisoners including myself and Mr. Bernadel to exercise our Constitutional rights despite the unlawful interference of Ms. Siereveld and her parties in privity, we would then face severe and unconstitutional retaliation from Ms. Siereveld and her parties in privity.

15. As I previously declared under the penalty of perjury under the laws of The United States, an African-American FBOP employee in the Trust Fund Department here at the FCI Terre Haute named Ms. Stewart sought a transfer away from this facility specifically citing racial issues and another African-American FBOP employee warned an African-American CMU prisoner not to have his family come here to visit him for fear of what might happen to them at night in the vicinity of the FCI.

16. I am mixed race; biologically, my ethnic composition is one half ( $\frac{1}{2}$ ) Bangladeshi; one quarter ( $\frac{1}{4}$ ) mixed Austrian, Russian, and German Jew; and one quarter ( $\frac{1}{4}$ ) mixed Western European.

17. My wife is one hundred (100) percent Jewish.

18. Any children that my wife and I conceive in the future will also be of mixed ethnicity.

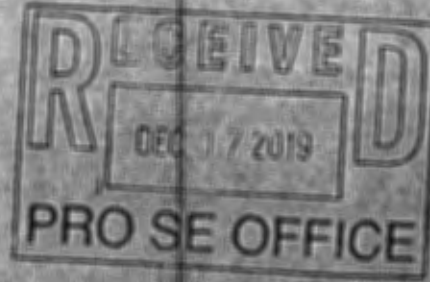
19. Absent unlawful classification to a CMU in violation of The United States Court of Appeals precedential decision in Aref v. Lynch, 833 F.3d 242 (D.C. Cir. 2016), neither myself nor Mr. Bernadel nor the majority of the African-American inmates currently in the FCI Terre Haute CMU would be placed so far away from our home states in Indiana due to the five-hundred-(500)-driving-mile requirement of 18 U.S.C. § 3621(b).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on Monday, December 8th, 2019.



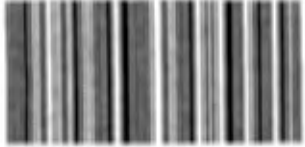
Martin S. Gottesfeld

Gottesfeld  
12982-104  
Correctional Institution  
3  
e, IN 47808



STATES  
SERVICE

TRACKING #



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Label valid Jan. 2019  
through Feb. 2020 (first)

12982-104  
U S District Court  
Pro Se Clerk  
500 Pearl ST  
NEW YORK, NY 10007  
United States

Monday, December 8th, 2019, Houston v. Lack, 487 U.S. 266 (1988)

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